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NOTICE OF PREPARATION DOCUMENTATION

DATE: SEPTEMBER 9, 2010

PROJECT NAME: WIND ENERGY ORDINANCE

PROJECT NUMBER(S): POD 10-007

PROJECT APPLICANT: County of San Diego

ENV. REVIEW NUMBER: N/A

PROJECT DESCRIPTION:

The project proposes amendments to the County of San Diego Zoning Ordinance for wind energy systems. The amendments consist of clarifications, deletions, and revisions to provide an updated set of definitions, procedures, and standards for review and permitting of wind energy systems.

Background: The following is a brief history of amendments made to the County Zoning Ordinance related to wind energy systems:

On October 10, 1985, the County of San Diego adopted Ordinance 6857, which included an amendment to the Zoning Ordinance to add the definition for wind energy systems. The definition was later amended by Ordinance 9971, adopted February 25, 2009, in order to clearly separate the definitions of a Metrological Testing (MET) Facility and a wind energy system.

On April 23, 1986, the County of San Diego adopted Ordinance 7117, which amended the Zoning Ordinance to add definitions for Small, Medium, Large, and Non-operational wind energy systems. The ordinance also added procedures and standards for review and permitting of these systems.

On February 25, 2009, the Board of Supervisors held a meeting to discuss additional amendments to the Zoning Ordinance to revise the existing Small, Medium, and Large wind energy system definitions and regulations. A portion of these proposed amendments was to remove references to California Assembly Bill (AB) 1207, which was repealed in 2006. This portion was circulated for public review in March 2010 as a part of POD 09-006, the Solar and Wind Energy Ordinance. Another portion of these proposed amendments was to allow for additional small-sized wind energy systems with an Administrative Permit under the Medium wind energy system provisions with required findings and the existing size limitations in place. This portion was moved to a separate ordinance, POD 10-007, and was circulated for public review in June 2010. The remaining portion of the proposed amendments related to wind energy systems included more substantial changes to the regulations and required further environmental review. This portion, in addition to the removal of references to California Assembly Bill (AB) 1207 constitutes the proposed project. The summary below provides further details regarding the project.

Description: The project consists of the following amendments to the San Diego County Zoning Ordinance:

- Update of regulations for Small and Large Wind Energy Systems and removal of the former Medium Wind Energy System section.
- The creation of a new Renewable Energy section of the Zoning Ordinance consisting of wind energy systems.
- As previously required, large-scale wind power plants would continue to require a Major Use Permit in order to review such projects on a case-by-case basis and address project-specific impacts.

The amendments are intended to set forth reasonable standards and procedures for the installation and operation of wind energy systems to improve and enhance public welfare and safety, and to implement the San Diego County General Plan, specifically the Energy Element (adopted November 15, 1977).

Steps are being taken at both the state and federal levels to increase renewable energy production. At the state level, California's Renewable Portfolio Standard (RPS) program requires obligated load-serving entities (LSE), including San Diego Gas & Electric (SDG&E), to procure an additional minimum of 1 percent of retail sales per year from eligible renewable sources until 20 percent is reached, no later than 2010. Executive Order S-3-05 (June 2005) identified greenhouse gas (GHG) emission-reduction targets for the state, providing the impetus for a potential expansion of the RPS program to include a goal of 33 percent renewable energy by 2020. Additionally, the California Air Resources Board (ARB) issued the draft Climate Change Scoping Plan in June 2008, and a key

component of achieving the GHG targets is that California codify into statute and achieve a 33 percent RPS by 2020.

According to California's RPS compliance filings, SDG&E's actual renewable power procurement percentage is 10.2 (SDG&E 2010). The proposed project is an important element in developing additional renewable energy resources required to meet the current and future California RPS and federal Energy Policy Act goals for developing renewable energy. With the advent of new technology, wind energy has become a viable renewable resource. The State has also adopted legislation (AB 45, October 11, 2009) to encourage the use of small wind systems and limit obstacles to their use.

The affected sections of the Zoning Ordinance are as follows:

- Section 1110: would add definitions for wind energy system Height and wind energy system Tower Height; revise definitions of wind energy system small, wind energy system large, and wind energy system non-operational; and remove wind energy system medium.
- Section 6123: would clarify a MET Facility of less than the height of the zone is allowed without the requirement for an Administrative Permit.
- Section 6156.z: would move wind energy system small regulations to new Section 6950.
- Section 6158.b: would move wind energy system small regulations to new Section 6950.
- Section 6950 and 6951: would remove wind energy system medium regulations, insert new wind energy system small section, and revise wind energy system large section.

As outlined below, the proposed project includes the allowance of small wind energy systems that meet the definition of the Zoning Ordinance by right; and large turbines will be required to complete a separate environmental review process per the Major Use Permit procedures and requirements.

Environmental Review: The project includes both small wind energy systems and large wind energy systems, which are subject to different environmental review processes by the County. An overview of the different environmental processes for small vs. large wind energy systems is provided below:

Small Wind Energy System: A small wind energy system is defined as a wind turbine energy conversion system, with or without a tower, which has a rated capacity of not more than 50 kilowatts for each system and is consistent with the requirements of Zoning Ordinance Sections 6156 and 6951 and used primarily

for on-site energy use. These systems shall be permitted as an accessory use in all zones where the Civic, Commercial, Industrial or Extractive use types are allowed provided the system complies with the Renewable Energy Regulations commencing at Zoning Ordinance Section 6950. The Program Environmental Impact Report (PEIR) will include environmental review for small wind energy system projects, which meet the definition as stated previously.

Under the proposed project, a small wind energy system is allowed by right if the future proposed wind energy system meets the definition and all requirements listed in the Zoning Ordinance Section 6951. If a future small wind energy system meets the definition and all requirements listed in the Ordinance Section 6951, then the small wind energy system does not require any discretionary permits or public notice. In the event a future small wind energy system does not meet one or more of the requirements under Ordinance Section 6951, then a variance is required. In the event a variance is required, a future project is required to provide public notice and the local Community Planning Group where the project is being proposed will be provided the opportunity to review. The final decision on whether a variance will be granted will be based on a determination made by the Director of Planning and Land Use.

In the event a small wind energy system meets all the requirements in the Zoning Ordinance Section 6951 but includes more than three turbines, issuance of an Administrative Permit will be required. An Administrative Permit requires public notice, and the local Community Planning Group where the project is being proposed will be provided the opportunity to review. The final decision on whether an Administrative Permit will be granted will be based on a determination made by the Director of Planning and Land Use and may be appealed to the Planning Commission. In some cases, where a project is proposed in certain zoning designations such as a "B" designator or a Specific Plan area, a Site Plan will be required. This discretionary action will be subject to CEQA review.

Large Wind Energy System: A large wind energy system is defined as a wind turbine energy conversion system, with or without a tower, which has a rated capacity of more than 50 kilowatts for each system and is consistent with the requirements of Zoning Ordinance Section 6951 for off-site or on-site energy use. Large wind energy systems would continue to require a Major Use Permit and additional environmental review will be required for each project proposed. A project applicant that proposes to construct a large wind energy system will be required to complete the necessary forms and procedures for a Major Use Permit consistent with County processing requirements. As part of a Major Use Permit application, the project applicant will be required to complete an Application for an Environmental Initial Study (AEIS). The AEIS application submittal is utilized by the County to determine the appropriate California Environmental Quality Act (CEQA) document (i.e., Negative Declaration or EIR) that will be required in order to complete an environmental review. Since each future large wind energy

system application will be required to obtain a Major Use permit and complete a separate environmental review process, the County has determined that the PEIR being prepared for the proposed wind ordinance will not evaluate the potential environmental impacts associated with a large wind energy system. Large wind energy systems will be evaluated under CEQA during project processing of each Major Use Permit application.

PROJECT LOCATION:

The project is located within the County of San Diego which is in Southern California bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the unincorporated portions of the County of San Diego over which the County has land use jurisdiction.

PROBABLE ENVIRONMENTAL EFFECTS:

The probable environmental effects associated with the project are detailed in the attached Environmental Initial Study. All questions answered "Potentially Significant Impact" will be analyzed further in the Environmental Impact Report. All questions answered "Less than Significant Impact" or "Not Applicable" will not be analyzed further in the Environmental Impact Report.

The following is a list of the subject areas to be analyzed in the EIR and the particular issues of concern:

- Aesthetics
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Hazards
- Noise

PUBLIC SCOPING MEETING: Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting will be held to solicit comments on the PEIR. This meeting will be held on Tuesday, September 21, 2010 in the County of San Diego Department of Planning and Land Use Hearing Room at 5201 Ruffin Road, Suite B, San Diego, California 92123 at 6:00 p.m.

Attachments:

- Environmental Initial Study